

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

TERRY-LEE,

Plaintiff,

v.

NORTH VALLEY COUNTY  
WATER AND SEWER DISTRICT,  
et al.,

Defendants.

CV-15-43-BMM-JTJ

**ORDER**

Plaintiff Terry-Lee has filed a Notice and Preciepe to Remove Defendant Gary Callantine as a Defendant. (Doc. 81.) The Court construes this as a motion to voluntarily dismiss Mr. Callantine, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. There is no indication in the motion, however, that Plaintiff has consulted opposing counsel regarding whether any of the defendants object to the motion. *See* D. Mont. L.R. 7.1(c)(1) (“The text of the motion must state that other parties have been contacted and state whether any party objects to the motion.”). Plaintiff failed to comply with this Local Rule and therefore the motion will be denied. The Court will deny any future motions which do not comply with this rule. Based upon the foregoing, the Court issues the following:

**ORDER**

1. Plaintiff's Notice and Preciepe to Remove Mr. Callantine as a defendant

(Doc. 81), which is construed as a Motion to Voluntarily Dismiss Mr. Callantine pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, is denied without prejudice and subject to renewal upon Plaintiff's compliance with Local Rule 7.1(c).

2. At all times during the pendency of this action, Plaintiff shall advise the Court and opposing counsel of any change of address and its effective date. Failure to file a notice of change of address may result in the dismissal of the action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED this 11th day of January, 2018.



John Johnston  
United States Magistrate Judge